

**Filed 4/6/10 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2010 ND 53

State of North Dakota,

Plaintiff and Appellee

v.

Paul Even Smestad,

Defendant and Appellant

Nos. 20090271-20090273 & 20090303

Appeals from the District Court of Burleigh County, South Central Judicial District, the Honorable Thomas J. Schneider and the Honorable Bruce A. Romanick, Judges.

AFFIRMED.

Per Curiam.

Pamela Ann Nesvig, Assistant State's Attorney, P.O. Box 5518, Bismarck, N.D. 58506-5518, for plaintiff and appellee.

Mark Taylor Blumer, P.O. Box 475, Valley City, N.D. 58072, for defendant and appellant.

State v. Smestad
Nos. 20090271-20090273 & 20090303

Per Curiam.

[¶1] Paul Smestad appealed from three criminal judgments entered upon his guilty pleas to five felony counts of theft of property and three misdemeanor counts of theft of property. Smestad also appealed from an order revoking his probation from a prior conviction of theft and forgery. Smestad contends the district court erred when it sentenced him as a habitual offender without requiring a presentence investigation and erred in revoking his probation. We affirm under N.D.R.App.P. 35.1(a)(4).

[¶2] Gerald W. VandeWalle, C.J.
Mary Muehlen Maring
Daniel J. Crothers
Dale V. Sandstrom
Carol Ronning Kapsner